

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

UNITED STATES OF AMERICA §
§
V. § CRIMINAL NO. 6:07CR82
§ JUDGE DAVIS
JUSTIN JAKE NEWMAN (11) §

ELEMENTS OF OFFENSE

You are charged in Count 1 of an Information with Conspiracy to possess with intent to distribute at least 10 grams but less than 20 grams of a mixture or substance containing a detectable amount of methamphetamine, in violation of Title 21, United States Code, Section 846. The essential elements which must be proven to establish a violation of this offense are:

- FIRST: That within the time frame alleged in Count 1 of the Information, you and another person, directly or indirectly, reached an agreement to possess with intent to distribute and did distribute methamphetamine,
- SECOND: That you knew of the unlawful purpose of the agreement, and,
- THIRD: That you joined in the agreement willfully, that is, with the intent to further its unlawful purpose.
- FOURTH: That the overall scope of the conspiracy involved at least 10 grams but less than 20 grams of a mixture or substance containing a detectable amount of methamphetamine.

To "possess with intent to distribute" simply means to possess with intent to deliver or transfer possession of a controlled substance to another person, with or without any financial interest in the transaction.

Respectfully submitted

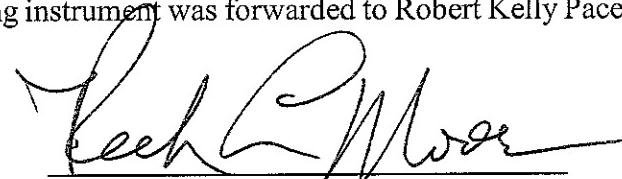
JOHN L. RATCLIFFE
UNITED STATES ATTORNEY



RICHARD L. MOORE
Assistant United States Attorney
110 North College St., Suite 700
Tyler, Texas 75702
(903) 590-1400
State Bar No. 14366700

CERTIFICATE OF SERVICE

On this the 9th day of January, 2008, I, Richard L. Moore, Assistant United States Attorney for the Eastern District of Texas, the attorney of record for the United States of America herein, do certify that a true and correct copy of the foregoing instrument was forwarded to Robert Kelly Pace via hand delivery.



RICHARD L. MOORE